

UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION  
NO. 16-12009-NMG

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UNITED STATES for the use of  
D.D.S. INDUSTRIES, INC.,

Plaintiff,

v.

NAUSET CONSTRUCTION CORPORATION,  
TRAVELERS CASUALTY AND SURETY  
COMPANY OF AMERICA, and BENHAM  
DESIGN, LLC,

Defendants.

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BENHAM DESIGN, LLC,

Third-Party Plaintiff,

v.

LEIDOS ENGINEERING, LLC,

Third-Party Defendant.

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**NOTICE OF VOLUNTARY DISMISSAL OF THIRD-PARTY  
COMPLAINT PURSUANT TO RULE 41(c)(1)**

Pursuant to Rule 41(c)(1) of the Federal Rules of Civil Procedure, Defendant/Third-Party Plaintiff Benham Design, LLC (“Benham”), hereby gives notice that the above-captioned third-party action is voluntarily dismissed, with prejudice, against Third-Party Defendant Leidos Engineering, LLC (“Leidos”).<sup>1</sup>

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<sup>1</sup> On October 25, 2018, this Court granted Leidos’s motion to sever the third-party action and transfer it to the United States District Court for the District of Delaware. (DE-107.) Notwithstanding the Court’s order, the third-party action has not, in fact, been transferred as of the filing of this notice. Benham submits, and Leidos agrees, that the Court’s order transferring the third-party action should be regarded as moot in light of the filing of this notice.

Respectfully submitted,

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*Attorneys for Defendant Benham Design, LLC*

Dated: December 21, 2018

CERTIFICATE OF SERVICE

I, John P. Connelly, hereby certify that the foregoing document filed through the ECF system will be sent electronically to the registered participants as identified in the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants on December 21, 2018.

/s/ John P. Connelly

John P. Connelly